

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 21, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-29664 - APPLICANT: THE SIEGEL GROUP NEVADA, INC. - OWNER: CASA SUITES, LLC

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-32024) shall be required, if approved.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. The subject site shall comply with all applicable requirements of Title 13 as required by the City of Las Vegas.

Public Works

4. The proposed freestanding signs shall not be located within the public right-of-way or interfere with Site Visibility Restriction Zones. The proposed ground mounted base shall not be located within existing or proposed public sewer or drainage easements.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing a total of seven new signs on the subject site. The signs consist of six freestanding signs and one monument sign. The signs are indicated as letters “A”, “B” and “C” on the site plan. The subject Variance is to allow a proposed 60-foot tall freestanding sign (“A”) where 40 feet is the maximum height allowed; to allow six freestanding signs (“A” and “C”) where three is the maximum allowed; to allow a distance separation of less than 100 feet between freestanding sign to freestanding sign (“A” and “C”) and freestanding to monument sign (“A”, “B” and “C”) where 100 feet is the minimum required, and to allow a zero-foot setback where five feet is the minimum required for a proposed monument sign (“B”). The subject Variance represents a 53 to 400 percent deviation from Title 19.14 Sign Standards. A related Variance (VAR-30204) will also be heard, which proposes six signs to provide zero percent neon and or animation where 75 percent is required under Title 19.06 Las Vegas Boulevard Scenic Byway Signage Overlay requirements.

The proposed signage fails to comply with the following requirements; illumination, height, number of freestanding signs, minimum setback requirements and sign separation requirements. Therefore, the applicant has created a self imposed hardship that could be rectified by proposing signage, which complies with both Title 19.14 Sign Standards and Title 19.06 Las Vegas Boulevard Scenic Byway Signage Overlay requirements. Therefore, staff is recommending denial of the subject application and related Variance (VAR-32024)

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/05/04	A Citation (#10773) was issued by Code Enforcement for roof leaks, bug problems, loose handrail, in-operable elevator and an altered smoke detector at 700 North Las Vegas Boulevard. The issue was resolved on 07/02/04.
08/16/04	A Citation (#20204) was issued for uncompleted fire repairs at 700 North Las Vegas Boulevard. The issue was resolved on 01/03/07.
01/19/05	A Citation (#25229) was issued for problems with the leaking roof, toilet, windows and sinks at 700 North Las Vegas Boulevard. The issue was resolved on 01/24/05.
07/27/05	A Citation (#32967) was issued for an insect problem at 700 North Las Vegas Boulevard. The issue was resolved on 01/19/06.
03/13/06	A Citation (#39159) was issued for unstable stairs at 700 North Las Vegas Boulevard. The issue was resolved on 03/15/06.
04/11/06	A Citation (#40073) was issued for missing fire extinguishers at 700 North Las Vegas Boulevard. The issue was resolved on 05/04/06.

07/26/06	A Citation (#44841) was issued for an insect problem at 700 North Las Vegas Boulevard. The issue was resolved on 08/08/06.
10/09/06	A Citation (#46959) was issued for exposed rebar, which was sticking out of the foundation at 700 North Las Vegas Boulevard. The issue was resolved on 10/17/06.
03/01/07	A Citation (#50914) was issued for mold in the tub and carpet at 700 North Las Vegas Boulevard. The issue was resolved on 04/09/07.
03/06/07	A Citation (#51029) was issued for an inoperable elevator at 700 North Las Vegas Boulevard. The issue was resolved on 01/22/08.
03/14/07	A Citation (#51274) was issued for black mold, a broken hand-rail and inoperable air conditioning at 700 North Las Vegas Boulevard. The issue was resolved on 03/20/07.
04/04/07	A Citation (#51929) was issued for a broken toilet, leaking bathtub, insects and inoperable air conditioning at 700 North Las Vegas Boulevard. The issue was resolved on 04/09/07.
02/08/08	A Citation (#62177) was issued for insects at 700 North Las Vegas Boulevard. The issue was resolved on 02/12/08.
03/14/08	A Citation (#63421) was issued for a broken toilet, insects and an inoperable air conditioner at 700 North Las Vegas Boulevard. The issue was resolved on 03/21/08.
06/25/08	A Citation (#67073) was issued for a various broken bathroom items and insects at 700 North Las Vegas Boulevard. The issue was resolved on 07/09/08.
12/18/08	<p>The Planning Commission recommended denial of companion item VAR-32024 concurrently with this application.</p> <p>The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #11/bts).</p>
Related Building Permits/Business Licenses	
02/09/78	A Business License (#A07-00733) was issued for an apartment house at 700 North Las Vegas Boulevard. A Change Of Ownership was approved on 08/22/08 for Siegel Suites from Casa Palms Apartments.
08/23/06	A Building Permit (#71380) was issued to demolish a building at 700 and 712 North Las Vegas Boulevard. An apartment building was demolished at 712 North Las Vegas Boulevard.
Pre-Application Meeting	
06/30/08	A pre-application meeting was held on the indicated date. The applicant indicated the proposed signage. The applicant was advised on the requirements for the subject Variance. The Fire Department noted the removal of the site address on the proposed monument sign. Therefore, staff has added a condition, which requires compliance with all Title 13 requirements.
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
11/13/08 and 12/02/08	A field check was completed on the indicated dates. Staff observed a total of three banners on a site visit dated 11/13/08. The banners were not on the building on 12/02/08. Staff also witnessed repair work on a broken wall and the addition of rock veneer on the perimeter walls. No building permits have been found for the repair work to the block wall. Code Enforcement was notified by staff on 11/19/08.

Details of Application Request	
Site Area	
Net Acres	1.33

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Multi-Family Housing	MXU (Mixed Use)	C-2 (General Commercial)
North	Retail and The Neon Museum	MXU (Mixed Use) and PF (Public Facilities)	C-2 (General Commercial) and C-V (Civic)
South	Tavern and Retail	MXU (Mixed Use)	C-2 (General Commercial)
East	Single-Family Residences	MXU (Mixed Use)	R-1 (Single Family Residential)
West	Retail	MXU (Mixed Use)	C-2 (General Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts	X		
Downtown North Land Use Plan	X		Y
A-O (Airport Overlay) District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District		X	N*
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

Redevelopment Plan Area – The subject site is located within the boundaries of the Las Vegas Redevelopment Plan Area. The proposed uses are in conformance with the Redevelopment Plan goals and policies.

Downtown North Land Use Plan – The subject site is within the Downtown North Land Use Plan. The proposed signage has a negligible effect on the goals and policies of the Downtown North Land Use Plan.

A-O (Airport Overlay) District - The subject site is located within the 200-foot boundary of the Airport Overlay District. The proposed signage will not affect the 200-foot boundary, since the tallest sign is proposed at 60 feet.

Las Vegas Boulevard Scenic Byway Overlay District – The subject site is within the Scenic Byway Overlay District. The proposed 60-foot freestanding sign meets the intent of the district which requires 75% of the total sign surface areas to consist of illuminated signage. The 60-foot freestanding sign provides 80% illumination. The other freestanding signs and monument sign do not meet the intent of the Scenic Byway Overlay District. Therefore, the applicant has requested a related Variance (VAR-32024) to allow six signs to allow less than the seventy-five percent exposed neon and or animation where required under the Las Vegas Boulevard Scenic Byway Signage Overlay.

DEVELOPMENT STANDARDS

Pursuant to Title 19.06 Special Purpose and Overlay District and 19.14 Sign Standards, the following development standards apply to the subject proposal

FREESTANDING SIGN: [One - 60-Foot Freestanding Sign – Labeled “A” on the site plan]

Standards	Allowed	Provided	Compliance
Maximum Number	1 sign per each 200 lineal feet of street frontage - 3 street frontages on the subject site (Las Vegas Boulevard, Wilson Avenue and Encanto Drive) (Each street is approximately 200 feet in length)	7 (Includes all freestanding and monument signs as they are located along the same street frontage – Las Vegas Boulevard)*	No*

Minimum Separation	All freestanding and monument signs on the same lot or in the same development shall maintain a minimum separation of 100 feet measured along the street frontage	40', 40', 20', 20', 40' and 47' (Distance between all signs measured from north to south)*	No*
Maximum Area	1484 SF. (Total includes all sign square-footage)	670 SF.	Yes
Maximum Height	40 Feet	60 Feet*	No*
Minimum Setback	5 Feet	5 Feet	Yes
Illumination	For any development within the Las Vegas Boulevard Scenic Byway Overlay District, at least 75% of the total sign surface areas for that development must consist of illuminated signage	Sign provides 80% neon illumination to comply with Title 19.06	Yes

* The freestanding sign is proposed at 60 feet, which is 20 feet taller than what Title 19.14 allows. The proposed freestanding and monument signs are indicated to be located a minimum of 40, 40, 20, 20, 40 and 47 feet from the other freestanding and monument signs. Title 19.14 requires all freestanding and monument signs to be located a minimum of 100 feet from each other. Finally, one sign is allowed per 200 lineal feet of street frontage. Each street is approximately 200 feet in length, which would allow three signs. The applicant is proposing all seven signs on Las Vegas Boulevard, thereby not meeting this requirement.

FREESTANDING SIGN: *[Five - Five-Foot Freestanding Signs – Labeled “C” on the site plan]*

Standards	Allowed	Provided	Compliance
Maximum Number	1 sign per each 200 lineal feet of street frontage - 3 street frontages on the subject site (Las Vegas Boulevard, Wilson Avenue and Encanto Drive) (Each street is approximately 200 feet in length)	7 (Includes all freestanding and monument signs as they are located along the same street frontage – Las Vegas Boulevard)*	No*
Minimum Separation	All freestanding and monument signs on the same lot or in the same development shall maintain a minimum separation of 100 feet measured along the street frontage	40', 40', 20', 20', 40' and 47' (Distance between all signs measured from north to south)*	No*
Maximum Area	1484 SF. (Total includes all sign square-footage)	10 SF / sign	Yes
Maximum Height	40 Feet	5 Feet	Yes
Minimum Setback	5 Feet	5 Feet	Yes
Illumination	For any development within the Las Vegas Boulevard Scenic Byway Overlay District, at least 75% of the total sign surface areas for that development must consist of illuminated signage	Signs provide zero percent neon or animated illumination, thereby failing to comply with Title 19.06 requirements*	No*

*The five proposed freestanding signs fail to meet Title 19.14 requirements with regard to total number of signs allowed and the minimum distance separation requirements from other freestanding and monument signs. First, the applicant is proposing all seven signs along Las Vegas Boulevard. Title 19.14 allows one sign per 200 lineal feet of street frontage. Each street is approximately 200 feet in length, which would allow three signs. Second, the applicant is proposing freestanding and monument signs to be located a minimum of 40, 40, 20, 20, 40 and 47 feet from each other. Finally, Title 19.06 requires all signs within the Las Vegas Boulevard Scenic Byway District, at least 75% of the total sign surface must consist of illuminated signage, in the form of neon signs, animated signs, or a combination thereof. A related Variance (VAR-32024) has been submitted to address this deficiency.

MONUMENT SIGN: *[One - Four-Foot Monument Sign – Labeled “B” on the site plan]*

Standards	Allowed	Provided	Compliance
Maximum Number	1 sign per each 200 lineal feet of street frontage - 3 street frontages on the subject site (Las Vegas Boulevard, Wilson Avenue and Encanto Drive) (Each street is approximately 200 feet in length)	7 (Includes all freestanding and monument signs as they are located along the same street frontage – Las Vegas Boulevard)*	No*
Minimum Separation	All freestanding and monument signs on the same lot or in the same development shall maintain a minimum separation of 100 feet measured along the street frontage	40', 40', 20', 20', 40' and 47' (Distance between all signs and measured from north to south)*	No*
Maximum Area	75 SF / sign	40 SF	Yes
Maximum Height	10 Feet	4 Feet	Yes
Minimum Setback	5 Feet	0 Feet*	No*
Illumination	For any development within the Las Vegas Boulevard Scenic Byway Overlay District, at least 75% of the total sign surface areas for that development must consist of illuminated signage	Signs provide zero percent neon or animated illumination thereby failing to comply with Title 19.06 requirements*	No*

*The proposed monument sign fails to meet Title 19.14 requirements with regard to the setback and the minimum distance separation requirements from the proposed freestanding signs. First, the proposed monument sign is at a zero-foot setback. Title 19.14 requires a five-foot setback from the property line. Second, the applicant is proposing both freestanding and monument signs to be located a minimum of 40, 40, 20, 20, 40 and 47 feet from each other. Title 19.14 requires all freestanding and monument signs to be located a minimum of 100 feet from each other. Third, the applicant is proposing all seven signs along Las Vegas Boulevard. Title 19.14 allows one sign per 200 lineal feet of street frontage. Each street is approximately 200 feet in length, which would allow three signs. Finally, Title 19.06 requires all signs within the Las Vegas Boulevard Scenic Byway District to provide 75% of the total sign surface to consist of illuminated signage, in the form of neon signs, animated signs, or a combination thereof. The monument sign fails to meet the illumination requirement. Therefore, a related Variance (VAR-32024) has been submitted to address this deficiency.

ALL PROPOSED SIGNS AND PERCENT OF DEVIATION

Signs	Allowed	Provided	% of Deviation
Freestanding Sign Height (Sign "A")	In a C-2 (General Commercial zone, a maximum height of 40 feet is allowed	60 feet	50%
Freestanding Signs Total (Signs "A" and "C")	1 sign per each 200 lineal feet of street frontage - 3 street frontages on the subject site (Las Vegas Boulevard, Wilson Avenue and Encanto Drive) (Each street is approximately 200 feet in length)	6 Freestanding Signs	400%
Distance Separation (Signs "A" "B" and "C")	Minimum separation of 100 feet measured along the street frontage	40', 40', 20', 20', 40' and 47' (Distance between all signs measured from north to south)	60%, 60%, 80%, 80%, 60% and 53%
Sign Setbacks (Signs "A" and "B")	5-foot minimum setback required from property line	0 feet	100%
Sign Illumination (Signs "B" and "C")	For any development within the Las Vegas Boulevard Scenic Byway Overlay District, at least 75% of the total sign surface areas for that development must consist of illuminated signage	0%	100%

The above table indicates the various deviations as they relate to the proposed signs on the subject site. The deviations represent a range of zero to 400 percent.

ANALYSIS

The applicant fails to meet the intent of Title 19.14 Sign Standards as it relates to the following; allowable height, number of freestanding signs, minimum setback requirements and sign separation requirements. An associated Variance (VAR-32024) will also be heard as the applicant fails to meet Title 19.06 requirements for signs within the Las Vegas Boulevard Scenic Byway Overlay District. All signs within the Scenic Byway require 75 percent of the total sign surface areas for that development to consist of illuminated signage, in the form of neon signs, animated signs, or a combination thereof. The subject signs are not appropriate due to the number of deviations from Title 19.14 Sign Standards and Title 19.06 Las Vegas Boulevard Scenic Byway requirements. Therefore, staff is recommending denial of the subject application and the related Variance (VAR-32024).

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing signage that exceeds the allowable height, number of freestanding signs, minimum setback requirements and sign separation requirements. Alternative design, number and placement of signs would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

There were two speakers in opposition to this project at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

ASSEMBLY DISTRICT 6

SENATE DISTRICT 10

NOTICES MAILED 182 by City Clerk

APPROVALS 1

PROTESTS 2